

TWENTY-FIFTH DAY

(Tuesday, February 25, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Hill was granted leave of absence for today until 11:00 o'clock a. m. on account of important business on motion of Senator Aikin.

Reports of Standing Committees

Senator Brownlee submitted the following reports:

Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 180,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 179,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 19, A bill to be entitled "An Act to amend Section 5 of Chapter 42, General Laws of Texas, passed by the Forty-first Legislature, Second Called Session, as amended by Section 5 of Chapter 282, Acts, Regular Session, Forty-second Legislature; repealing Section 7 of Chapter 282, Acts, Regular Session, Forty-second Legislature, said Acts relating to the operation of vehicles on the public highways of Texas; providing nothing therein shall be construed as authorizing increase in size or dimensions of commercial motor vehicles as now provided by law; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute for H. B. No. 19, in the form attached hereto, do pass and be printed.

BROWNLEE, Chairman.

First Reading of Substitute Bill

The caption of the committee substitute bill submitted with the foregoing report on H. B. No. 19 was read, and the substitute bill was indorsed as having been read first time.

Senator Aikin submitted the following reports:

Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 181, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1941, and ending August 31, 1943; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back as amended to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 77, A bill to be entitled "An Act providing for the deposit of monies to the credit of the State Accumulation Fund of the Teacher Retirement System of Texas, repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 23, A bill to be entitled "An Act making an appropriation of

Four Hundred (\$400.00) Dollars for the purpose of removing the remains of Captain William M. Logan, and/or erecting a monument at the grave of said Texas patriot; providing for the right of private donation to participate in the expense; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senator Smith submitted the following reports:

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 151, A bill to be entitled "An Act making it unlawful to take or kill wild deer in the County of Hudspeth for a period of five (5) years; prescribing penalty for violation of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 142, A bill to be entitled "An Act making it unlawful to kill or attempt to kill bear, fox, or wild turkey, or molest same in Hardin County for a period of five (5) years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 302, A bill to be entitled "An Act applicable to the County of Concho, State of Texas, prohibiting the transportation of minnows taken in said county beyond the borders of said county for the purpose of sale; limiting the number of minnows to be transported beyond the borders of said county; providing legal length of catfish in said county; providing penalties for any violation of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 198, A bill to be entitled "An Act declaring a closed season on the killing of deer and turkey in Throckmorton, Shackelford, and Haskell Counties for a period ending February 1, 1946; prescribing a penalty therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 212, A bill to be entitled "An Act providing for a closed season on the taking of wild deer for a period of five (5) years in the Counties of Motley, Floyd, Briscoe, Cottle, Hall, Childress, Dickens, Borden, Stonewall, Garza, Kent, and Scurry;

repealing all laws in so far as they conflict with this Act; providing for a suitable penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 4, A bill to be entitled "An Act repealing all local or special laws regulating the taking, possession, or sale of fur-bearing animals in so far as they apply to Panola County, Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 276, A bill to be entitled "An Act to prohibit the use in all lakes and streams situated in Nolan County, Texas, all certain devices for catching fish; to limit the size and number of fish to be caught; to prohibit the taking of any fresh-water fish during the months of February, March, or April; providing the use of minnow seines of not more than twenty (20) feet in length for the purpose of taking minnows for bait; prohibiting persons other than the owner from entering upon or fishing from rafts, piers or boats; providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 217, A bill to be entitled "An Act declaring it unlawful to take, hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Stephens and Palo Pinto Counties for a period of four (4) years from and after the passage of this Act; providing a penalty therefor; providing for the protection of crops, pasture, and gardens being destroyed by deer; repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 303, A bill to be entitled "An Act making it unlawful to kill, or attempt to kill, wild turkey or trap or molest same in Colorado, Wharton, Lavaca, and Jackson Counties for a period of four (4) years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 282, A bill to be entitled "An Act amending Section 1 of an Act known as H. B. No. 965, of the Regular Session of the Forty-sixth

Legislature, page 336 (1939), which latter Act creates the Rockport Wildlife Sanctuary, so as to redefine the boundaries of said sanctuary; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 306, A bill to be entitled "An Act providing an open season for doves in Lamar and Red River Counties; repealing any provision of law in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 143, A bill to be entitled "An Act making it unlawful to hunt, take, or kill any squirrel during the months of October, November, and December in Liberty and Hardin Counties; providing for a penalty; repealing all conflicting laws; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 12, A bill to be entitled "An Act repealing H. B. No. 26 of

the Acts of the Regular Session of the Forty-fourth Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 138, A bill to be entitled "An Act repealing H. B. No. 945 and H. B. No. 946, enacted by the Forty-sixth Legislature of the State of Texas, pertaining to hunting and trapping on inclosed or uninclosed land of another in counties having a population of not less than fifteen thousand, one hundred and forty-nine (15,149) and not more than fifteen thousand, three hundred (15,300) inhabitants, according to the last preceding Federal Census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 141, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer, bear, fox, or wild turkey or trap or molest same in Liberty County for a period of five (5) years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Senator Sulak submitted the following report:

Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. C. R. No. 25, Memorializing Congress to pass S. B. No. 195, which is now in the United States Finance Committee.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that this resolution do pass and be printed.

SULAK, Chairman.

Senator Van Zandt submitted the following reports:

Austin, Texas,
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 93, A bill to be entitled "An Act amending Section 1 of S. B. No. 135, Acts, 1939, Forty-sixth Legislature, Chapter 6, so as to except therefrom associations not operated for profit, composed only of the members of a particular religious denomination which do not provide insurance benefits in excess of One Thousand (\$1,000.00) Dollars on any one person and do not pay officer of the association a salary in excess of One Hundred (\$100.00) Dollars per month."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 85, A bill to be entitled "An Act to amend Article 4752, of Chapter 3, Title 78, of the Revised Statutes of 1925, relating to limited capital stock life, accident and health insurance companies, removing the restriction that such companies shall have power only to transact business within this State; and declaring an

emergency and providing the Act shall take effect from and after its passage."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 82, A bill to be entitled "An Act to amend Section (d) of Article 4607, Revised Civil Statutes of 1925, as amended by H. B. No. 928, Acts of the Forty-sixth Legislature, Regular Session, Page 394; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 7, A bill to be entitled "An Act defining industrial life insurance, forbidding the delivery or issuance for delivery of any policy of industrial life insurance, unless it shall contain certain provisions, and making said provisions subject to certain exceptions; securing to insureds and beneficiaries under policies previously issued, the right to select, under certain circumstances, extended or paid-up insurance and providing for the automatic selection of extended insurance in the event such insureds or beneficiaries fail to make a selection; designating additional optional providers to be contained in policies of industrial life insurance; forbidding the inclusion of certain provisions in industrial life insurance policies; requiring approval of the Board of Insurance Commissioners of all policies of industrial life insurance, including such policies which provide for accident and health benefits in addition to natural death benefits, and all riders and endorsements before same can be delivered or issued for delivery;

requiring written notice in case of disapproval of any policy, rider or endorsement; providing for an appeal from the decision of the Board; providing that this Act and no other shall apply to and govern the form and content of industrial life insurance policies; providing that upon proper showing to the Board of Insurance Commissioners of inability of an insurer to comply with this Act . . . etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by committee amendments numbers one (1) and two (2) hereto attached, and be printed.

VAN ZANDT, Chairman.

Senator Spears submitted the following reports:

Austin, Texas,
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 63, A bill to be entitled "An Act amending Subdivision 83 of Article 1302, Title 32, Chapter 1, of the Revised Civil Statutes of the State of Texas, 1925, relating to the formation of private corporations to organize laborers, working men, wage earners, and farmers, to protect themselves in their various pursuits; vesting authority in the Commissioner of Labor Statistics to make investigation for charters and amendments to charters for laborers, working men, and wage earners; making a specific exception as regards farmers; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Austin, Texas,
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 323, A bill to be entitled "An Act providing that it shall be unlawful for any person, firm, partnership, association, or corporation to sell or offer for sale within the State

of Texas any goods, wares, or merchandise manufactured wholly or in part by convicts or prisoners in penal and reformatory institutions, except convicts or prisoners on parole or probation; providing exemptions and penalties for the violation hereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Spears:

S. B. No. 184, A bill to be entitled "An Act providing for the appointment of an official court reporter in and for each district court, criminal district court, and county court-at-law, of Bexar County; providing the qualifications; providing for the salary of each of said official court reporters and for the manner of payment of said salary, and out of what fund; providing for transcript fees; declaring this Act to be a special Act, notices thereof having been duly published and exhibited as required by law; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Brownlee:

S. B. No. 185, A bill to be entitled "An Act to amend Chapter 40, Section 6, Acts 1929 Forty-first Legislature, First Called Session, same being Article 4860a-6 Vernon's Annotated Statutes, so as to permit Mutual Insurance Companies organized or licensed to do business in Texas under the provisions of Chapter 40, Acts 1929, Forty-first Legislature, First Called Session, to write fidelity and surety bonds, providing for the amount of surplus such companies shall possess and providing for deposit of securities in same manner as is required of stock companies doing a similar business; and declaring an emergency."

To Committee on Insurance.

Messages from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following messages:

Hall of the House of Representatives,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee on S. B. No. 91, and appoints on the part of the House: Taylor, Fitzgerald, Hartzog, Goodman and Files.

February 25, 1941, the House has accepted the Conference Committee report on S. B. No. 91 by a vote of 124 ayes, 0 noes.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.
Hall of the House of Representatives,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 48, Authorizing the Enrolling Clerk to make necessary insertion in H. B. No. 266.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.
Hall of the House of Representatives,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 18, Relative to the Board of Control entering into a contract with the San Jacinto Museum of History Association, etc.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Bills Re-referred

Senator Aikin moved that Senate Bills Nos. 115, 118 and 141 be re-referred from the Committee on Fi-

nance to the Committee on Public Debts, Claims and Accounts.

The motion prevailed.

**Report of Conference Committee
on Senate Bill 91**

Senator Spears submitted the following report:

Austin, Texas,
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 91, have had the same under consideration and we recommend to the Senate and to the House of Representatives that S. B. No. 91 be not passed, and in lieu thereof the conference committee substitute pass in the form attached hereto.

Respectfully submitted,

SPEARS,
GRAVES,
AIKIN,
STONE,
WEINERT,

On the part of the Senate;

TAYLOR,
FITZGERALD,
HARTZOG,
GOODMAN,
FILES,

On the part of the House.

Conference Committee Substitute for
Senate Bill No. 91

By Spears:

**A BILL
TO BE ENTITLED**

"An Act to declare and recognize for certain tax purposes post, camp or unit exchanges established and operated within the State of Texas, by or in conjunction with the United States Military, Naval, or Marine Forces, instrumentalities and agencies of the United States; providing that taxes on sale of cigarettes shall not apply to sales to or by such post, camp or unit exchanges where made to officers, soldiers, sailors, nurses, and marines, in the Army, Navy, or Marine Corps of the United States; providing at what places, and under what conditions sales may be made to

officers, soldiers, sailors, nurses, and marines of the United States; prohibiting removal of cigarettes from Federal reservation or the resale and distribution of cigarettes purchased from exchanges in amounts of forty (40) cigarettes or more, which were originally procured from camp, unit or post exchanges; prohibiting the purchase of such cigarettes in violation of this Act; making possession of more than forty (40) cigarettes by persons named in this Act prima facie violation; providing a penalty for violation of this Act by making it a misdemeanor, and declaring each violation to be a separate offense; providing a 'savings clause' to the effect that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; and declaring an emergency and for other purposes."

Be It Enacted by the Legislature of the State of Texas:

Section 1. Post, Camp, or Unit Exchanges established and operated within the State of Texas, by or in conjunction with the United States Military, Naval or Marine forces, on Military, Naval or Marine Posts, Camps, Stations or Reservations, including any locality within this State where a cantonment camp is located and erected, where officers, soldiers, sailors, nurses, or marines of the United States Army, Navy or Marine Corps are being trained, are hereby declared to be, and are recognized for such tax purposes as are hereinafter set out to be instrumentalities and agencies of the United States Government.

Sec. 2. It is further provided that the provisions of this law shall extend to and apply to any authorized branch of a post, camp or unit exchange which may be established for the exclusive benefit of the officers, soldiers, sailors, nurses or marines in the Army, Navy or Marine Corps of the United States at any time that said officers, soldiers, sailors, nurses or marines shall be on authorized military maneuvers. It being the express intent of the Legislature by this Act to allow soldiers, sailors, nurses and marines in the Army, Navy and Marine Corps of the United States, to purchase cigarettes, from the camp, unit, or post exchange without paying the State stamp tax thereon. It is also expressly provided that this law

shall not be construed as authorizing any person or persons whatsoever, other than those persons authorized by Federal Law and Army, Navy or Marine Corps regulations to purchase cigarettes from a camp, unit, or post exchange, or on authorized military maneuvers without paying the State stamp tax as provided by law thereon.

Sec. 3. It is further provided that no officers, soldiers, sailors, nurses or marines, in the Army, Navy, or Marine Corps of the United States shall remove from the confines of any military or naval post or reservation cigarettes in quantities of more than forty (40) cigarettes or shall resell or distribute to any person, persons, firm or corporation any cigarettes in quantities of more than forty (40) cigarettes which have been purchased from a camp, post, or unit exchange under the provisions of this Act. Any person, firm, or corporation who knowingly removes from such reservations any cigarettes or purchases or receives any cigarettes in violation of this provision shall be subject to the penalties provided in this law. The possession of more than forty (40) cigarettes by any of the foregoing named persons without the State tax stamp affixed thereto at any place in Texas other than a military or naval post or reservation shall be a violation of this Act and shall be prima facie evidence that such cigarettes are possessed for the purpose of a sale in Texas without the State tax stamps affixed.

Sec. 4. It is further recognized, declared and provided that the provisions of Section 9, Chapter 241, Acts of the Regular Session of the Forty-fourth Legislature, with amendments, relating to "first sale" of cigarettes does not apply to sales by such post, camp or unit exchanges under the conditions specified in the preceding Sections of this law or to sales in accordance with such specified conditions to such post, camp or unit exchanges by a licensed cigarette distributor in Texas.

Sec. 5. Any person, firm, or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by fine of not less than One Hundred (\$100.00) Dollars, or thirty days in jail, nor more than Five Hundred (\$500.00) Dollars, or six months in jail, or by both such fine and imprisonment. Each violation of any of the

provisions of this Act shall be considered a separate offense.

Sec. 6. If any Section, sentence, clause, or part of this Act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each Section, sentence, clause, and part thereof despite the fact that one or more Section, sentences, clauses, or parts thereof be declared unconstitutional.

Sec. 7. The fact that the present increase in the number of the various armed components is continuing within the State at such a rapid rate, and the matter of the determination of such taxation requirements is constantly arising, and the levy of taxes on such exchanges imposes an unjust hardship upon the individual soldier now in the service of his country, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each House be suspended, and that the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

House Concurrent Resolution 43

On motion of Senator Lanning and by unanimous consent, the regular order of business was suspended to

take up H. C. R. No. 43 for consideration at this time.

The President then laid before the Senate:

H. C. R. No. 43, Authorizing Highway Department to lend a certain quantity of guard rails to the Nocona Independent School District.

The resolution was read and was adopted.

House Concurrent Resolution 48

The President laid before the Senate (the resolution having been received from the House today):

H. C. R. No. 48, Authorizing correction in enrolled copy of H. B. No. 266.

On motion of Senator Cotten, the resolution was considered immediately and was adopted.

House Bills on First Reading

The following House bills previously received from the House were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 31, to Committee on Civil Jurisprudence.

H. B. No. 34, to Committee on Civil Jurisprudence.

H. B. No. 101, to Committee on Civil Jurisprudence.

H. B. No. 123, to Committee on Finance.

H. B. No. 271, to Committee on Finance.

H. B. No. 360, to Committee on Counties and County Boundaries.

H. B. No. 422, to Committee on Counties and County Boundaries.

H. B. No. 367, to Committee on Game and Fish.

H. B. No. 386, to Committee on Game and Fish.

H. B. No. 394, to Committee on Game and Fish.

Senate Bill 90 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 90, A bill to be entitled "An Act to authorize and empower the Governor of the State of Texas to lease and demise to the United States the tract of land, known as Camp Wolters at or near Mineral Wells, Palo Pinto County, Texas, now owned

by the State of Texas, together with such buildings, systems, fixtures, and appurtenances thereon, as he may deem advisable, and for other purposes."

The bill was read second time and was passed to engrossment.

Senate Bill 90 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 90 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

Senate Resolution 43

Senator Chadick, by unanimous consent, offered at this time the following resolution:

Whereas, The Honorable Morgan G. Sanders of Van Zandt County, a former member of the Legislature and a former official of the Senate, and for 18 years a distinguished member of the Congress of the United States, is now in the City of Austin, therefore, be it

Resolved by the Senate, That the Hon. Morgan G. Sanders be extended the privilege of the floor and invited to address the Senate.

CHADICK,
FORMBY,
COTTEN.

The resolution was read and was adopted.

Senate Bill 125 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 125, A bill to be entitled "An Act to amend Title 69 of the Revised Civil Statutes of Texas, 1925, by amending Articles 4113, 4114, 4116 and 4117 of Chapter 2 of said Title 69 relating to the commencement of proceedings for the appointment of guardians of the persons and estates of minors, persons of unsound mind, habitual drunkards and persons for whom it is necessary to appoint guardians to collect funds from the Federal Government and providing the kind and character of process that shall be issued in such cases and the manner in which such process shall be served; and by amending Articles 4122 and 4123 of Chapter 3 of said Title 69 providing that certain persons shall be disqualified and shall not be appointed guardians and providing for the appointment of guardians of estates of persons adjudged insane or habitual drunkards by courts of competent jurisdiction in other states and territories of the United States; and by amending Articles 4228 and 4229 of Chapter 10 of said Title 69 providing for the acceptance of resignations of guardians and the appointment of successor guardians upon the death, resignation or removal of guardians; and by amending Article 4272 of Chapter 12 of said Title 69 providing for the appointment of guardians of persons adjudged insane or habitual drunkards after the issu-

ance and service of process as therein provided for and for other purposes; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 125 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 125 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 129 on Second Reading

Senator Martin moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of S. B. No. 129 at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Chadick	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Metcalfe
Graves	Moffett
Hazlewood	Moore
Isbell	Ramsey

Shivers	Van Zandt
Smith	Vick
Spears	Weinert
Stone	Winfield
Sulak	York

Absent—Excused

Hill

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 129, A bill to be entitled "An Act amending H. B. No. 704, passed at the Regular Session of the Forty-fourth Legislature, being Chapter 132, page 364, of the General Laws of the Forty-fourth Legislature, Regular Session, Sections 1 and 7, also known as Article 1269j of Vernon's Texas Statutes, to provide for condemning land in fee simple for the purpose of acquiring necessary lands to construct airports thereon and other buildings or structures to be used in connection with such airports for the purpose of building and assembling various types of aircraft, and to authorize the sale or lease of such property to the Government of the United States for present or future national defense programs; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 129 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 129 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Signing of Bills and Resolution

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

S. B. No. 91, A bill to be entitled "An Act to declare and recognize for all tax purposes post, camp or unit exchanges established and operated within the State of Texas, by or in conjunction with the United States Military Forces, or by or in conjunction with the Civilian Conservation Corps, instrumentalities and agencies of the United States and for other purposes."

H. B. No. 328, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

H. C. R. No. 20, To grant Mrs. Gertrude Cabeen permission to sue the State of Texas.

Executive Session

At 11:00 o'clock a. m., the President announced the hour set for an executive session of the Senate had arrived.

Accordingly, the floor and galleries were cleared of those not entitled to attend the executive session and the

doors leading from the Senate Chamber were closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk the following reports had been adopted:

Committee Room,
Austin, Texas,
February 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination

To be Secretary of State concurrent with my tenure of office:

Wm. J. Lawson of Walker County, Texas.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
February 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be a Member of the Board of Hairdressers and Cosmetologists for a six year term expiring August 9, 1945:

Mrs. Ella Mae Murphy of Corpus Christi, Nueces County.

To be a Member of the Board of Directors of the Lower Colorado River Authority to fill unexpired term of T. H. Davis, resigned, term to expire January 1, 1943:

John H. Payne of Austin, Travis County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Member of the State Board of Education for six year term expiring January 1, 1947:

Joe Frost of San Antonio, Bexar County;

Maco Stewart of Galveston, Galveston County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be Casualty Insurance Commissioner for a six year term beginning February 10, 1941, and expiring February 10, 1947:

Joseph P. Gibbs of Seguin, Guadalupe County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be a Member of the Board of Water Engineers for a six year term expiring August 19, 1945:

C. S. Clark of Donna, Hidalgo County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be a Member of the Board of Examiners of Land Surveyors for a two year term expiring July 29, 1941:

A. C. Stimson of Houston, Harris County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
February 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the Board of Veterinary Medical Examiners for two year terms to expire January 17, 1943:

Paul P. Bouriskie, Port Arthur, Jefferson County (reappointment);

A. C. Burns, Cleburne, Johnson County (reappointment);

M. A. Peck, Fort Worth, Tarrant County (reappointment);

Archie Stalling, Houston, Harris County (reappointment);

O. E. Wolfe, Big Spring, Howard County (reappointment);

R. L. Rhea, San Antonio, Bexar County (reappointment);

W. R. Younger, Whitesboro, Grayson County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

After Executive Session

The President Pro Tempore called the Senate to order at 12:40 o'clock p. m.

Adjournment

Senator Metcalfe moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Moffett moved that the Senate recess until 10:00 o'clock a. m. tomorrow.

The motion to adjourn prevailed; and the Senate, accordingly, at 12:45 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

TWENTY-SIXTH DAY

(Wednesday, February 26, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin
Beck

Brownlee
Chadick

Cotten
Fain
Formby
Graves
Hazlewood
Hill
Isbell
Kelley
Lanning
Lovelady
Martin
Mauritz
Metcalf

Moffett
Moore
Ramsey
Shivers
Smith
Stone
Sulak
Van Zandt
Vick
Weinert
Winfield
York

Absent—Excused

Lemens

Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Lemens was granted leave of absence for today on account of important business, on motion of Senator Aikin.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Reports of Standing Committees

Senator Mauritz submitted the following report:

Floor Committee,
Austin, Texas,
February 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

S. C. R. No. 13, Providing for the loan of certain discarded guard wire.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.